IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 9TH MARCH 2007 / 18TH PHALGUNA 1928

MFA.No. 1016 of 2000(A)

OPMV.1084/1996 of MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM
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APPELLANTS:
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1. A.N.SAVITHRIKUTTY, W/O.LATE A.R.NARAYANAN NAMBOODIRI, AKKOORATH MANA, NHANGATTIRI P.O., THRITHALA PANCHAYAT, OTTAPPALAML TALUK, PALAKKAD DISTRICT.

2. A.M.RAMAKUMAR, S/O.LATE A.R.NARAYANAN NAMBOODIRI, -DO- -DO- (MINOR) REPRESENTED BY HIS MOTHER IST RESPONDENT)

3. A.M.SYAMKUMAR, S/O.LATE A.R.NARAYANAN NAMBOODIRI, -DO- -DO- (MINOR) REPRESENTED BY HIS MOTHER 1ST RESPONDENT.)

BY ADV. SRI.P.G.PARAMESWARA PANICKER
SRI.SANTHEEP ANKARATH

RESPONDENTS:
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1. MOHAMMED IQBAL, S/O.ABDUL VAHAB,LAVE HOUSE, METTU VALAVU, THATHAMANGALAM, PALAKKAD DISTRICT. (DRIVER OF LORRY NO.KEH-9720).**(DELETED)**

2. P.M.ROSHAN BHANU, W/O.ABDUL KAREEM, PATTITHODI HOUSE, PUTHUNAGARAM, PALAKKAD DISTRICT. (OWNER OF LORRY KEH-9720).

3. THE NEW INDIA ASSURANCE CO.LTD., ANIKKODEL JUNCTION, CHITTUR PALAKKAD DISTRICT (INSURER OF LORRY NO.KEH-9720).

4. A.M.RAMAN NAMBOODIRI, S/O.RAMAN NAMBOODIRI, AKOORATH MANA, NHANGATTIRI P.O., OTTAPPALAM TALUK, PALAKKAD DISTRICT.

5. A.M.DEVAKY ANTHERJANAM, W/O.4TH RESPONDENT,
AKOORATH MANA, -DO- -DO-

(R1 IS DELETED FROM THE PARTY ARRAY AS PER ORDER DTD. 9/3/2007 IN I.A.NO.547/2007)

R3 BY ADV. SRI.KKM.SHERIF

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 09/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC,JJ.

M.F.A.NO.1016 OF 2000

Dated this the 9th day of March, 2007

JUDGMENT

Raman, J.

Appellants are claimants in O.P.(MV).NO.1084/96 on the file of the Motor Accidents Claims Tribunal, Ottappalam. They are legal heirs of the deceased Narayanan Namboodiri, who succumbed to the fatal injuries sustained in an accident, which occurred on 3/2/1996 on the public road. On 3/2/1996 the deceased along with his son was travelling in his motorbike and when they reached at the place of accident, a lorry driven by the lst respondent came from opposite direction in a rash and negligent manner and hit the motorbike. Narayanan Namboodiri died as a result of the fatal injury sustained by him. The Tribunal found that the accident occurred as a result of the rash and negligent driving of the lst respondent and there was a valid policy of insurance in respect of the vehicle. The petitioners/appellants, who are wife and two minor children, along with the parents of the deceased claimed a total compensation of Rs.6 lakhs. The tribunal awarded an amount of Rs.4,82,500/- with 9% interest thereon. The deceased was a school Teacher drawing a montly

salary of Rs.4,853/- at the relevant time. He was the sole supporter and breadwinner of the family and the appellants lost the support and dependency. Taking a multiplier of 13 and taking the monthly dependency at Rs.3,000/- the Tribunal quantified an amount of Rs.4,68,000/- towards loss of dependency. It is the contention of the appellants that the Tribunal was not right in limiting the income to Rs.3,000/-. According to the appellants, the future prospects of the deceased, who became a Hadmaster, is not properly appreciated. Further when the deceased was the sole serving breadwinner of the family, the income fixed by the Tribunal is too low. We have considered the submission. It is true that the deceased was the only sole breadwinner of the family consisting of his wife, two minor children, father and mother. When he was a school Teacher having bright prospects of getting promotion as Headmaster of the school, Rs.5,000/- can be taken as the income and an amount of Rs.3,500/- can be taken as the loss of dependency and adopting the multiplier of 13, the appellants are entitled for an amount of Rs.5,46,000/- in the place of Rs.4,68,000/- as already awarded. Thus, over and above the amount awarded by the Tribunal we award a further amount of Rs.78,000/- under this head. No amount is

awarded towards loss of consortium. Hence, an amount of Rs.5,000/- is also awarded towards loss of consortium. Thus, an amount of Rs.83,000/- is awarded over in addition to the amount already awarded by the Tribunal. The above amount will carry 7% interest from the date of petition till realisation.

Appeal is allowed as above.

P.R.RAMAN,
Judge.

ANTONY DOMINIC,
Judge.

kcv.

P.R.RAMAN &
ANTONY DOMINIC,JJ.

M.F.A.NO.1016 OF 2000

JUDGMENT

9TH MARCH, 2007